

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS

Plaintiff,

vs.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

and

JACQUELINE A. BERRIEN,
in her official capacity as Chair of the Equal
Employment Opportunity Commission,

Defendants.

Case No. 5:13-cv-00255-C

**PLAINTIFF'S SECOND UNOPPOSED MOTION FOR EXTENSION OF
TIME TO REPLEAD AND/OR OPPOSE MOTION TO DISMISS**

On January 27, 2014, the Equal Employment Opportunity Commission (“EEOC”) and Jacqueline A. Berrien, the Chair of the EEOC (collectively, “Defendants”) moved to dismiss the State’s complaint for declaratory and injunctive relief. Under Federal Rule of Civil Procedure 15(a)(1)(B) and Local Rule 7.1(e), the State’s deadline for amending its complaint as a matter of right and/or opposing the Defendants’ motion to dismiss was February 18, 2014. The State obtained a 14-day extension from this Court, creating a new deadline of March 4, 2014. The State hereby moves for an additional 14-day extension of that deadline, to and including March 18, 2014. Defendants do **not** oppose this extension.

The State is requesting a second extension because undersigned counsel celebrated the birth of his daughter on February 18, 2014, and would like to take a few days of paternity leave before amending the State's complaint or otherwise responding to Defendants' motion. Moreover, undersigned counsel presented oral argument in United States Supreme Court in *Texas v. EPA*, No. 12-1269, on February 24, 2014.

Counsel also have several other conflicting obligations. They include briefs on the merits in *Texas v. Penguin*, No. 14-61 (2d Cir.), *Abbott v. Waste Management of Texas, Inc.*, No. 13-0372 (Tex.), and *Texas Music Library and Research Center v. Texas Department of Transportation*, No. 13-13-00600-CV (Tex. App.—Corpus Christi); and a petition for review in *University of Texas at El Paso v. Ochoa*, No. 13-0982 (Tex.). Counsel will also be presenting oral arguments in the Supreme Court of Texas in *Patel v. Texas Department of Licensing and Regulation*, No. 12-0657, on February 27, 2014, and in the Court of Appeals for the Fourteenth District of Texas in *In re E.H.*, No. 14-13-00622-CV, on March 4, 2014.

As noted above, Defendants do not oppose the requested extension.

CONCLUSION

Plaintiff respectfully requests a 14-day extension of the time to amend its complaint as a matter of right under Rule 15(a)(1)(B) and/or to oppose Defendants' motion to dismiss, to and including March 18, 2014.

Respectfully submitted.

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Dated: February 27, 2014

CERTIFICATE OF CONFERENCE

I conferred with counsel for the Defendants, Justin M. Sandberg, via electronic mail on February 27, 2014. Mr. Sandberg stated that Defendants have no objection to the requested 14-day extension of time.

/s/ Jonathan F. Mitchell
Jonathan F. Mitchell

CERTIFICATE OF SERVICE

I hereby certify that, on February 27, 2014, a true and correct copy of the foregoing was served by CM/ECF on:

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